

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARK W. GIVLER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:11-cv-165
)	<i>Judge Phillips</i>
)	
BRIAN TALBOTT and)	
JEREMY BLAIR,)	
)	
Defendants.		

MEMORANDUM AND ORDER

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. The matter is before the court on various non-dispositive motions filed by the plaintiff.¹

Plaintiff is an inmate in the Blount County Detention Facility. The defendants are correctional officers at that facility. Plaintiff alleges that the defendants failed to follow proper procedures in escorting a fellow inmate to his cell, which resulted in plaintiff being attacked by that inmate. According to plaintiff, he was taken to the hospital where he received five stitches in his left eyebrow.

¹There is also pending a motion for summary judgment filed by the defendants, which will be addressed in a separate Memorandum.

Plaintiff has filed a motion to file criminal charges against the defendants and other officers at the Blount County Detention Facility under 18 U.S.C. § 241 for conspiracy against civil rights. As a private citizen, plaintiff lacks standing to initiate a federal criminal prosecution. *See, e.g., Jarvis v. U.S. Department of Justice*, 2000 WL 976554 at *1 (6th Cir. June 22, 2000) (unpublished decision). Accordingly, his motion [Court File No. 24] is **DENIED**.

Plaintiff has filed a motion to receive copies of all documents in this case and his other pending cases and asks that copies be sent free of charge to him and his sister, Ruthe Givler, who he states is an out-of-work paralegal. Plaintiff does not state why he needs copies of documents that should already be in his possession and his sister, who is not a party to the case, clearly is not entitled to free copies of pleadings in plaintiff's cases. The motion for copies [Court File No. 33] is **DENIED**.

Plaintiff has filed a motion for entry of default judgment against the defendants. The defendants having filed a motion for summary judgment in response to the complaint, the motion for entry of default judgment [Court File No. 40] is **DENIED**.

Plaintiff moves the court to order the administrator of the Blount County Detention Facility to comply with plaintiff's requests for information. According to plaintiff, the administrator told plaintiff he must subpoena that information. [Court File No. 44]. Plaintiff subsequently filed a motion to obtain documents and information via a subpoena, to which he attached a subpoena commanding Daniel E. Neubert, Facility Administrator of the Blount County Detention Facility, to produce certain documents. The motion for information and

the motion for a subpoena were filed after plaintiff's response to the motion for summary judgment was filed. The information plaintiff seeks is not relevant to the defendants' motion for summary judgment. Accordingly, the motion for information [Court File No. 44] and the motion for a subpoena [Court File No. 52] are **DENIED**.

Plaintiff has filed a motion for appointment of counsel. The appointment of counsel in a civil case is a matter within the discretion of the court. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). After careful consideration of plaintiff's motion, including the type and nature of the case, its complexity, and the plaintiff's ability to prosecute his claim, this court is of the opinion that counsel is not necessary at this time to insure that plaintiff's claims are fairly heard. *See Knop v. Johnson*, 977 F.2d 996 (6th Cir. 1992); *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Plaintiff's motion for appointment of counsel [Court File No. 53] is **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge